

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):		FOR COURT USE ONLY
TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: US DISTRICT COURT, N. DIST. CALIFORNIA MAILING ADDRESS: _____ CITY AND ZIP CODE: _____ BRANCH NAME: _____		
PLAINTIFF/PETITIONER: STEVEN AMES BROWN DEFENDANT/RESPONDENT: ANDREW B. STROUD, ET A.		CASE NUMBER: 08-CV-2348 VRW
PROOF OF SERVICE OF SUMMONS		Ref. No. or File No.:

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☒ summons
 - b. ☒ complaint
 - c. ☐ Alternative Dispute Resolution (ADR) package
 - d. ☐ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☒ other (specify documents): Order Setting CMC; Order Re CMC; Avail Mag; ECF Registration
3. a. Party served (specify name of party as shown on documents served):
ANDREW B. STROUD
- b. ☐ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
4. Address where the party was served:
5900 Arlington Avenue, Riverdale, N.Y.10471
5. I served the party (check proper box)
 - a. ☐ **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): _____ (2) at (time): _____
 - b. ☒ **by substituted service.** On (date): **May 9, 2008** at (time): **3:35 pm** I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
Scarlett Stroud
 - (1) ☐ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☒ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☒ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): **5/9/2008** from (city): **Valley Cottage, NY** or ☐ a declaration of mailing is attached.
 - (5) ☒ I attach a **declaration of diligence** stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: STEVEN AMES BROWN	CASE NUMBER:
DEFENDANT/RESPONDENT: ANDREW B. STROUD, ET A.	08-CV-2348 VRW

5. c. ☐ **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (*Attach completed Notice and Acknowledgement of Receipt.*) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ **by other means** (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:
- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☐ On behalf of (specify):
- under the following Code of Civil Procedure section:
- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. **Person who served papers**

- a. Name: BERNARD HUGHES
- b. Address: P.O. BOX 709, VALLEY COTTAGE, NY 10989
- c. Telephone number: (845) 268-8138
- d. The fee for service was: \$
- e. I am:

- (1) ☒ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☐ a registered California process server:
- (i) ☐ owner ☐ employee ☐ independent contractor.
- (ii) Registration No.:
- (iii) County:

8. ☒ **I declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

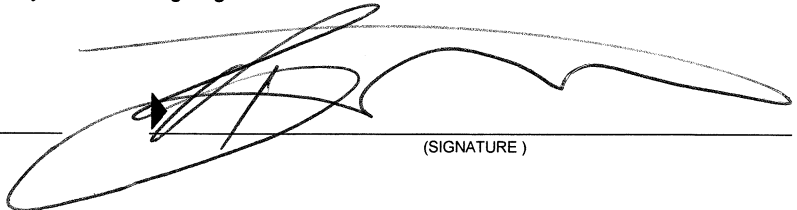
or

9. ☐ **I am a California sheriff or marshal** and I certify that the foregoing is true and correct.

Date:

BERNARD E. HUGHES

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)



(SIGNATURE)

CASE# 08-CV-2348 VRW

STEVEN AMES BROWN

Plaintiff(s)

against

ANDREW B. STROUD, ET AL

Defendant(s)

**AFFIDAVIT OF
SERVICE**

STATE OF NEW YORK, COUNTY OF ROCKLAND ss: BERNARD E. HUGHES The undersigned, being duly sworn, deposes and says; Deponent is not a party herein, is over 18 years of age and resides in the **STATE OF NEW YORK** That on **MAY 9, 2008** at 3:35PM., at 5900 ARLINGTON AVENUE, RIVERDALE, NY 10471 Deponent served the within **SUMMONS AND COMPLAINT; ORDER SETTING CMC; ORDER RE CMC; AVAIL MAG; ECF REGISTRATION**

☐ Papers served had endorsed thereon index # and date of filing

On **ANDREW B. STROUD**

INDIVIDUAL

1. ☐ by delivering a true copy of each to said defendant personally, deponent knew the person so served to be the person described as said defendant therein.

CORPORATION

2. ☐ a corporation, by delivering thereat a true copy of each to personally, deponent knew said corporation so served to be the corporation described in said summons as said defendant and knew said individual to be thereof.

SUITABLE AGE PERSON

3. ☒ by delivering thereat a true copy of each to **SCARLETT STROUD (WIFE)** a person of suitable age and discretion. Said premises is defendant's ☐ actual place of business ☒ dwelling place ☐ usual place of abode ☐ last known address—within the state.

**AFFIXING TO
DOOR, ETC.**

4. ☐ by affixing a true copy of each to the door of said premises, which is defendant's ☐ actual place of business ☐ dwelling place ☐ last known address—within the state. Deponent was unable, with due diligence to find defendant or a person of suitable age and discretion thereat, having called there

**MAILING
Use with
3 or 4**

5. ☒ Within 20 days of such delivery or affixing, deponent enclosed a copy of same in ☒ first class envelope ☐ certified envelope same day properly addressed to defendant's last known residence ☐ defendant's actual place of business at 5900 ARLINGTON AVE. RIVERDALE, NY 10471 and deposited said envelope in an official depository under the exclusive care and custody of the U.S. Postal Service within the New York State on MAY 9, 2008

☒ The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant.

**DESCRIPTION
USE WITH**

6. ☒ ☐ Male ☒ White Skin ☐ Black Hair ☐ White Hair ☐ 14-20 Yrs. ☐ Under 5' ☐ Under 100 Lbs.
☒ Female ☐ Black Skin ☐ Brown Hair ☐ Bald ☐ 21-35 Yrs. ☐ 5'0"-5'3" ☐ 100-130 Lbs.
☐ Yellow Skin ☐ Blonde Hair ☐ Mustache ☐ 36-50 Yrs. ☒ 5'4"-5'8" ☒ 131-160 Lbs.
☐ Brown Skin ☒ Gray Hair ☐ Beard ☐ 51-65 Yrs. ☐ 5'9"-6'0" ☐ 161-200 Lbs.
☐ Red Skin ☐ Red Hair ☐ Glasses ☒ Over 65 Yrs. ☐ Over 6' ☐ Over 200 Lbs.

Other identifying features:

WITNESS FEES

7. ☐ At the time of said service, deponent paid (tendered) in advance \$ the authorized traveling expenses and one day's witness fee.

MILITARY SERVICE

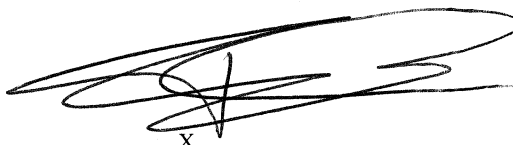
8. ☒ I asked the person spoken to whether defendant was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. The source of my information and grounds of my belief are the conversations and observations above narrated Upon information and belief I aver that the recipient is not in military service of New York or of the United States as that term is defined in either the State or in the Federal Statutes.

Sworn to before me on

MAY 12, 2008



DANIELLE S. CIRALDO
NOTARY PUBLIC OF NEW YORK
No. 01C16153192
QUALIFIED IN ROCKLAND COUNTY
MY COMMISSION EXPIRES 9/25/2010



BERNARD E. HUGHES
License No. 1252558

ATTACHMENT TO PROOF OF SERVICE

I attempted to deliver the service materials to the person to be served at the address of service listed above on the following occasions:

May 7, 2008 at 6:45 p.m.

May 7, 2008 at 9:33 p.m.

May 8, 2008 at 10:15 a.m.

May 8, 2008 at 2:45 p.m.

On each of these occasions nobody answered the door phone

On May 9, 2008 at 3:35 p.m. I again attempted service and the person to be served was not to be found but Scarlett Stroud the wife of the Andrew Stroud was present and I left the materials with her.